

## REMARKS/ARGUMENTS

### *Status of the Application*

Claims 1 through 40 are pending in this application. Claims 17, 18, and 25 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to make and use the invention. Claims 1-5, 7-9, 11, 13-22, and 24-40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 5,636,122 (Shah) in view of U.S. Patent 6,131,067 (Girerd). Claims 6 and 10 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shah and Girerd and further in view of U.S. Patent 6,353,743 (Karmel) and U.S. Patent 5,155,689 (Wortham). Claims 12 and 23 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shah and Girerd and further in view of U.S. Patent 6,324,404 (Dennison).

Applicants' undersigned representative respectfully requests reconsideration in light of the above-listed amendments and following remarks.

### *Rejections Under 35 U.S.C. § 112*

Claims 17, 18, and 25 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to make and use the invention. Applicants' undersigned representative respectfully requests reconsideration.

Claim 17 is directed to "[t]he crew locator system of claim 5, wherein said first processor has instructions thereon for implementing a **UDP server and a UDP client application for fielding requests for position data.**"

Claim 18 is directed to “[t]he crew locator system of claim 5, wherein said **UDP server is operable to receive a command to transmit position data.**”

Claim 25 is directed to “[t]he crew locator system of claim 1, wherein said enterprise computing system further comprises a wireless tcp/ip radio modem in communication with said enterprise **UDP server and from which position data is received from said first mobile field unit.**”

Thus, claims 17, 18, and 25 recite a UDP server and/or UDP client with the specified characteristics. Applicants’ undersigned representative respectfully submits the UDP protocol was well known when the application was filed, and further that one skilled in the art knowing the UDP protocol could make and use the inventions of claim 17, 18, and 25 without undue experimentation.

The test for enablement is whether one skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art **without undue experimentation.** MPEP 2164.01 citing *United States v. Telectronics, Inc.* 857 F.2d 778 (Fed. Cir. 1988). **A patent need not teach, and preferably omits, what is well known in the art.** *In re Buchner*, 929 F.2d 660, 661 (Fed. Cir. 1991).

In this instance, the UDP protocol was specified as early as August 28, 1980 in an RFC by the Internet Engineering Task Force (see enclosed), and would have been well known by someone skilled in the art. Because UDP was well known, one skilled in the art would not need to perform undue experimentation to make and use the invention. Indeed, because UDP was well known, the specification need not teach, and preferably omits, *see In re Bucher*, 929 F.2d at 661, details for implementing a UDP server and client. Accordingly,

Applicants' undersigned representative respectfully requests withdrawal of the rejections under 35 U.S.C. § 112.

***Rejections Under 35 U.S.C. § 103***

Claims 1-5, 7-9, 11, 13-22, and 24-40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 5,636,122 (Shah) in view of U.S. Patent 6,131,067 (Girerd). Claims 6 and 10 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shah and Girerd and further in view of U.S. Patent 6,353,743 (Karmel) and U.S. Patent 5,155,689 (Wortham). Claims 12 and 23 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shah and Girerd and further in view of U.S. Patent 6,324,404 (Dennison). Applicants' undersigned representative respectfully requests reconsideration and withdrawal of these rejections in view of the above-referenced amendments and following remarks.

***Claims 1 through 38 Are Non-Obvious***

Applicants have disclosed

“an automated system for gathering data related to the position of a field crew, communicating requests for the position data, and communicating the desired position in response to the request. The system comprises an enterprise computing system, at least one mobile field unit, and wireless communication network which supports transmission control protocol/internet protocol (TCP/IP). . . . **Each mobile field unit and machine in the enterprise computing system has a unique IP address assigned to it. Accordingly, commands and position data be communicated freely between all machines.**”

(Application, p. 2, ln. 27 – p. 3, ln. 14.) Therefore, in a disclosed embodiment, an individual mobile field unit can access position data from the enterprise system, *but can also request and receive data directly from other mobile field units.*

Accordingly, claim 1 is directed to “a crew locator system for distributing field crew position data gathered from a global positioning system to a geographically distributed field crew, comprising:”

a wireless communication network;  
an enterprise computing system in communication with said wireless network, said enterprise computing system operable to receive field crew position data, store the field crew position data, and in response to requests for the field crew position data transmit the field crew position data;  
a first mobile field unit in communication with said wireless network, said first mobile field unit operable to gather position data transmitted from a global positioning system and transmit the field crew position data to said enterprise computing system; and  
**a second mobile field unit in communication with said wireless network, said second mobile field unit operable to request the field position data from said first mobile field unit, receive the field position data from the first mobile field unit, and display the field position data;**  
**wherein said first mobile field unit is operable to transmit the field crew position data to said second mobile field unit.**

Similarly, claim 38 is directed to a “method for distributing field crew position data in a system having a plurality of mobile field units, an enterprise system, and a TCP/IP wireless network: comprising:”

- (a) at a first mobile field unit, gathering and processing position data;
- (b) at the first mobile field unit, receiving and processing a request to forward the position data to the enterprise system;
- (c) at the first mobile field unit, transmitting the position data to the enterprise system;

- (d) at the enterprise system, processing and storing the position data;
- (e) at the enterprise system, in response to a request for positioning data from a second mobile field unit, retrieving the position data;
- (f) at the enterprise system, formatting the position data;
- (g) at the enterprise system, transmitting the position data to the second mobile field unit;
- (h) at the second mobile field unit, displaying the position data;
- (i) **at a third mobile field unit, requesting the position data from the first mobile field unit;**
- (j) **at the first mobile field unit, receiving the request to forward the position data to the third mobile unit;**
- (k) **at the first mobile field unit, transmitting the position data to the third mobile unit;**
- (l) **at the third mobile field unit, receiving the position data from the first mobile field unit; and**
- (m) **at the third mobile field unit, displaying the position data.**

In order for a set of references to render these claims obvious, the references must teach the combination of all of the claimed limitations, including those emphasized. Applicants' undersigned representative respectfully submits that the cited references do not teach the emphasized claim limitations at all, and certainly do not suggest combining these limitations with another reference to arrive at the claimed combination.

In connection with the rejection of claims 4 and 36, the Examiner alleges that Shah teaches that a second mobile field unit can request and position data directly from a first mobile field unit and display the position data. (Office Action pp. 4 and 10.) Applicants' undersigned representative respectfully disagrees with this characterization of Shah. In truth, Shah does not teach direct communication between the mobile field units at all, and certainly

doesn't teach directly communicating position data between mobile field units. The text of Shah which the Examiner alleges teaching these limitations is as follows:

The two-way messaging system provides for **two-way messaging between the fleet mobile units 610 and . . . a dispatcher or the like**. The two-way messaging system is a "dumb" messaging system for communicating voice, data, video, and the like information **between the fleet mobile units and the dispatcher and the like**. The two-way messaging system includes elements such as a mobile information center two-way messaging module (MIC\_TWM) 803, a UNIX DBTWNSRV server 809, a CAN PEND process 817, a CLRTWMDB process 819, and others.

(Shah, Col. 11, ll. 49-58.) This text when correctly read, and without applying hindsight, indicates the two-way messaging system provides for messaging between a dispatcher and the mobile field units. It does **not** indicate messaging occurs directly between the mobile field units as required by the claims. Indeed, the two-way messaging system that is the subject of the cited paragraph is described as comprising components 803, 809, 817, and 819, all of which are shown in Figure 8 as being comprised in the information center and not in the mobile field units. Furthermore, while Figure 8 illustrates radio links 3 between the mobile field units 610 and the information center, there is no indication the mobile field units 610 have links established directly between them.

Thus, a correct reading of Shah indicates it teaches communication of data between mobile field units and an information center, but **not** direct communication of data between the mobile field units. Accordingly, Shah entirely fails to teach the limitation of claims 1 and 37. The remaining references likewise fail to teach these claim limitations. Accordingly, one skilled in the art could not possibly have known to combine these references in the claimed combinations.

**Claim 39 Is Non-Obvious**

Claim 39 is directed to a method for receiving and storing position data in a system having a plurality of mobile field units, an enterprise system, and a TCP/IP wireless network, comprising the following steps:

- (a) at the enterprise system, **receiving position data from one of the plurality of mobile field units, said position data comprising latitude and longitude coordinates, velocity statistics, and direction statistics;**
- (b) parsing the position data;
- (c) retrieving latitude and longitude coordinates from the position data;
- (d) retrieving velocity and direction statistics from the position data;
- (e) converting the latitude and longitude coordinates to plane coordinates; and
- (f) storing the plane coordinates, velocity, and direction.

In order for a reference or set of references to render this claim obvious, the references must teach the combination of all of the recited claim limitations, including those emphasized. Applicants' undersigned representative respectfully submits that neither Shah nor the other cited references teaches or suggests these combination of elements.

In connection with claim 39, the Examiner suggests:

Shah teaches location[,] . . . speed and direction of the mobile unit. . . . Since Shah does teach that lat/long is sent periodically (for example every 5 minutes) one skilled in the art can derive speed and direction based upon the data points collected. Shah is silent on "plane coordinates" but teaches converting lat/long into map coordinates which reads on the claim.

Office Action, p. 3. In truth, Shah indicates "[l]atitude and longitude position data are periodically transmitted at for example 5 minute increments or less to mobile information

center block.” Shah does **not** teach receiving velocity and direction statistics. In contradistinction, claim 39 requires “**receiving position data from one of the plurality of mobile field units, said position data comprising latitude and longitude coordinates, velocity statistics, and direction statistics.**” Thus, Shah entirely fails to teach a claimed limitation. Furthermore, by teaching receiving only latitude and longitude data from mobile field units, Shah teaches away from receiving velocity and direction statistics. The Examiner’s suggestion that speed and direction can be derived from latitude and longitude data fails to recognize that direction and velocity can and often do change, especially over the five minute interval between which the latitude and longitude readings are taken in the system disclosed by Shah. Relying on past position data to extrapolate a current direction and velocity results in inaccurate and stale results as compared to the claimed system which receives the actual velocity and direction as part of the position data.

Therefore, because Shah neither teaches nor suggests receiving position data from one of the plurality of mobile field units, wherein the position data comprises latitude and longitude coordinates, velocity statistics, and direction statistics, it cannot possibly render claim 39 obvious. Accordingly, a withdrawal of the rejection is respectfully requested.

#### **Claim 40 Is Non-Obvious**

Claim 40 is directed to a “method for formatting position data in a system having a plurality of mobile field units, an enterprise system, and a TCP/IP wireless network, comprising the following steps:”

- (a) at the enterprise system, retrieving the position data;
- (b) **generating a first file comprising the position data;**



(c) **generating a second file, said second file being loadable by a web browser and having a reference to said first file wherein upon loading said second file in a web browser, the web browser displays the position data stored in said first file.**

In order for a reference or set of references to render this claim obvious, the references must teach all of the recited claim limitations, including those emphasized. Furthermore, the references must teach or suggest combining all of the claim limitations as specified in the recited claim. Applicants' undersigned representative respectfully submits that neither Shah nor the other cited references teaches the recited claim limitations and cannot possibly suggest combining the references as specified in the claim.

In connection with claim 40, the Examiner admits that Shah does not teach using a Web browser and further does not teach having the position data in a first file and a second file which when loaded by the Web browser displays the first file. However, the Examiner alleges

Girerd teaches the use of a browser and the Internet and hence, HTML files. One skilled in the [art] can provide for hyperlinks in each "file" such that one can reference the other via a simple click on said hyperlink (which reads on the claim).

It would have been obvious to one skilled in the art at the time of the invention to modify Shah, such that TCP/IP and the Internet is used, to provide for world wide connectivity (via the Internet) and use of HTML files/functionality.

While it may be true Girerd teaches a Web browser and an HTML file, claim 40 requires much more. Girerd simply does not teach "generating a first file comprising the position data, and generating a second file, said second file being loadable by a web browser and having a reference to said first file wherein upon loading said second file in a web browser, the web browser displays the position data stored in said first file." There is no teaching or

**DOCKET NO.:** ABUA-0028  
**Application No.:** 09/582,735  
**Office Action Dated:** May 22, 2003

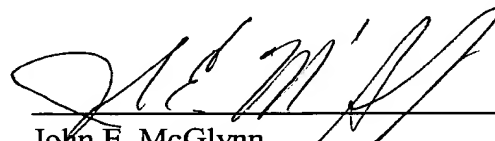
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suggestion in either Shah or Girerd to perform these steps. Accordingly, withdrawal of the rejection is respectfully requested. If the Examiner maintains his rejection, Applicants' undersigned representative respectfully requests the Examiner point to the specific locations in the references that teach "generating a second file, said second file being loadable by a web browser and having a reference to said first file wherein upon loading said second file in a web browser, the web browser displays the position data stored in said first file."

### **CONCLUSION**

Applicants' undersigned representative respectfully submits the claims patentably define over the prior art of record and are in condition for allowance. Reconsideration of the present Office Action issued on May 22, 2003 and a Notice of Allowance are respectfully requested.

Date: August 22, 2003

  
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